

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JON ROYAL FLEMING,

Petitioner,

v.

KEN QUINN,

Respondent.

Case No. C05-5719RJB

ORDER DENYING
PETITIONER'S MOTIONS FOR
CLARIFICATION AND
EXPANSION OF THE RECORD

This 28 U.S.C. § 2254 petition for habeas corpus relief has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636 (b) and local Rules MJR 3 and 4. Petitioner in this action is seeking federal habeas corpus relief pursuant to 28 U.S.C. § 2254.

Petitioner has filed a motion asking for clarification when his traverse is due. (Dkt. # 29). Petitioner's motion and the court's May 3rd, 2006 order crossed in the mail. On May 3rd, 2006 the court entered an order stating the traverse would be due on or before **June 2nd, 2006**. In light of that order the motion for clarification is **DENIED**.

Petitioner also asks for leave to expand the record. (Dkt. # 30). The motion is **DENIED**. Petitioner has not shown expansion of the record to be needed in this case. The court does not generally consider evidence that was not before the state court and petitioner has not shown that he

1 was unable to place the evidence before the state court.

2 The clerk is directed to send copies of this order to petitioner and counsel for respondent.

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4 DATED this 23rd day of May, 2006.

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6 /s/ J. Kelley Arnold
7 J. Kelley Arnold
8 United States Magistrate Judge
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